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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2005.

James D. Ryndak, Reg. No. 28,754
Name of Applicant, Assignee, or Registered Rep.
 September 22, 2005
Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nelson, Brent S. Confirmation No. 6193
Appl. No. : 10/083,975
Filed : Feb. 27, 2002
Title : Plastic Container
Grp./A.U. : 1761
Examiner : Steven L. Weinstein

Docket No. : 40400-10170
Customer No. : 047050

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I, Brent S. Nelson, hereby declare and state as follows:

1. My name is Brent S. Nelson. I am the named inventor of the captioned application entitled "Plastic Container."
2. Since 1999, I have been employed by PepsiCo, which owns Tropicana. I was hired as a packaging engineer with responsibility for development and testing of packaging.
3. I conceived of the invention disclosed and claimed in the captioned patent application.

4. The invention was actually reduced to practice on my behalf and under my control, prior to January 16, 2002, by making a seven layer container in Canada after December 8, 1993. This container was tested and found to be more than satisfactory. Subsequently, I prepared "Quality Assurance Packaging Specifications" on or before January 16, 2002. The aforementioned container thus was prepared at my direction before I prepared the "Quality Assurance Packaging Specifications." The specifications of the "Quality Assurance Packaging Specifications" describe the quality assurance standards for a plastic container having a first (outer) layer of propylene, a second (mid-outer) layer of adhesive, a third layer of ethylene-vinyl alcohol polymer, a fourth layer of adhesive, a fifth layer of regrind, a sixth layer of adhesive, and a seventh (contact) layer of amorphous nylon. The "Quality Assurance Packaging Specifications" were approved by Donald L. Greenwood, Manager of Packaging Development, formerly of PepsiCo on or before January 16, 2002. Exhibit A is a redacted copy of page 1 of the "Quality Assurance Packaging Specifications," which includes a description of the claimed seven-layer bottle.

I hereby declare that I have read this Declaration Under 37 C.F.R. § 1.131, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 9/13/05

Brent S. Nelson
Brent S. Nelson

Exhibit A

Redacted Copy of Page 1 of the "Quality Assurance Packaging Specifications"



QUALITY ASSURANCE PACKAGING SPECIFICATIONS

#18323

TYPE: BOTTLE, PP, 12 FL. OZ.	REVISION DATE: [REDACTED]
PRODUCTS: Tropicana Smoothies	PREPARED BY: B. Nelson
REFERENCE NUMBER: 2181.010	APPROVED BY: ▪ Packaging: <i>Donald L. Greenwood</i> ▪ Purchasing: ▪ Supplier:
REVISION NUMBER: [REDACTED]	PAGE: 1 OF 4

Item: Bottle, PP, 12 fl. oz.

General: Tropicana drawing no. 11-2517-MD-1009 Rev. A, dated [REDACTED]
Opaque multilayer barrier bottle with 2 lead finish

Material: Virgin PP/ Adhesive/ EVOH/ Adhesive/ Regrind / Adhesive / Amorphous Nylon

<u>Layer</u>	<u>% of thickness</u>	<u>Minimum Thickness(in)</u>	<u>Material</u>
Outer	20.	0.006	Virgin Polypropylene
Mid-outer	1.3	0.0004	Adhesive
Mid-inner 2	2	0.0006	EVOH
Mid-inner 1	1.3	0.0004	Adhesive
Inner	72.	0.0216	Regrind
Lower-inner	1.3	0.0004	Adhesive
Contact	2	0.0006	Amorphous Nylon

Current Approved Materials:

<u>Material</u>	<u>Manufacturer</u>	<u>MFG Number</u>
PP	Phillips	RGN-020
EVOH	Soarus Soamol	DCF3203F
Adhesive	DuPont Bynel	CXA 4126
Nylon	DuPont Selar	PA 3426